

VERDICT FORM A

We, the jury, find for Marissa Lingafelter, as special administrator of the estate of Lewis Lingafelter, Jr., and against the following:

Overnite Transportation Co. and James Garrett: Yes: (admitted)

Illinois State Toll Highway Authority: Yes: _____ No:

and further find the following:

First: we find that the total amount of damages suffered by plaintiff as a proximate result of the occurrence in question is \$ 22,520,000 itemized as follows:

Pecuniary Loss

\$ 5,020,000

Loss of Society

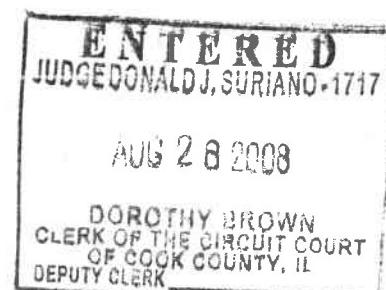
\$ 17,500,000

Second: If you answer yes above as to the Illinois State Toll Highway Authority, then you must apportion damages. Assuming that 100% represents the total combined negligence of all persons or entities whose negligence proximately contributed to Lewis Lingafelter, Jr.'s injuries and/or damages, including Overnite Transportation Company/James Garrett and the Tollway, we find that the percentage of such negligence is assigned as follows:

Overnite Transportation Company and James Garrett: 100 percent
(%)

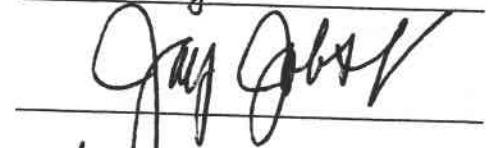
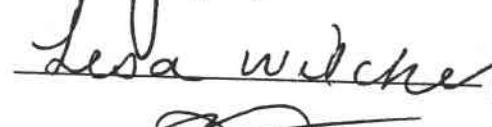
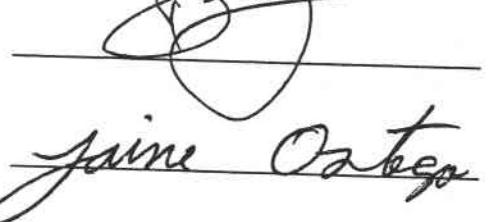
The Illinois State Toll Highway Authority: 0 percent
(%)

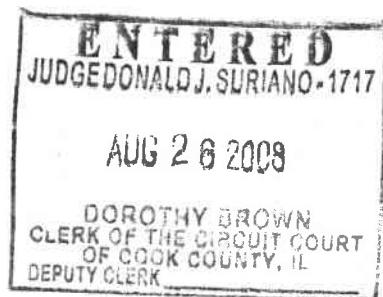
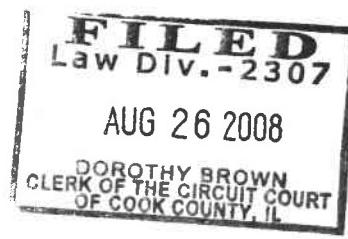
TOTAL:
(%) 100 percent




Foreperson

Melissa DiSauro
~~Marilyn Mandel~~
~~Rain Shultz~~
~~L. D. Frey~~
~~Dorothy Gudger~~


C.A. Mytee

Jay Jost

Lesa Wicker

Diane Oatley



SPECIAL INTERROGATORY NO. 1

Was James Garrett's conduct the sole proximate cause of the accident?

Yes X

No _____

James Garrett
Foreperson

Melissa DiSalvo

Mantey Morley

Roni Stark

R. Mera

Bethy Sundee

OTK/AS

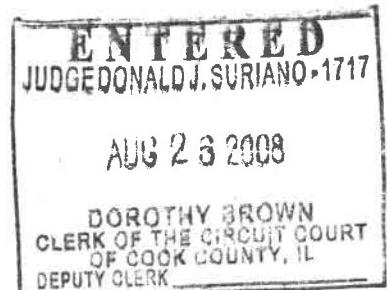
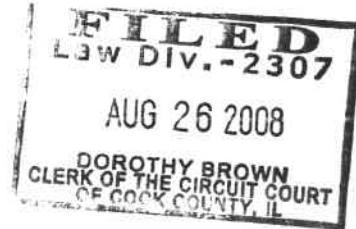
c.a. myette

Jay Jiles

Lisa Wicher

DB

Jane Ortega



SPECIAL INTERROGATORY NO. 2

Was the Tollway's conduct a proximate cause of the accident?

Yes _____

No X

Donald Cordon
Foreperson

Melissa DiSalvo

Maileigh Monroe

Roxie Henthorn

R. May

Emily Shuler

C. H. S.

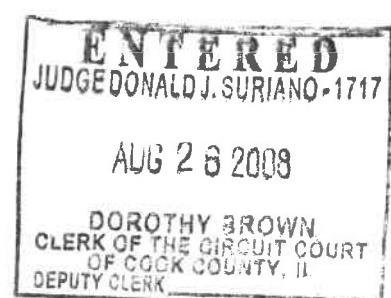
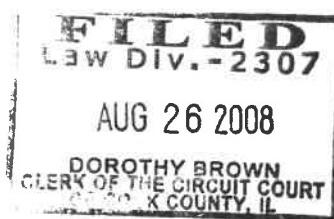
C. A. Myette

Jay Johnson

Lesa Wilches

B. D.

Jaine Osborne



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MARISSA LINGAFELTER,)
individually, and as Special)
Administrator of the Estate of LEWIS)
LINGAFELTER, Jr., Deceased,)
Plaintiffs,)
v.) 06 L 001810
OVERNITE TRANSPORTATION)
COMPANY, JAMES GARRETT,)
ILLINOIS STATE TOLL HIGHWAY)
AUTHORITY, UNITED PARCEL)
SERVICE, INC., UNITED PARCEL)
SERVICE CO.,)
Defendants.)

VERDICT FORM B

The Court being fully apprised of the jury's findings on Verdict Form A in the above-captioned lawsuit relating to 1) the claims of Plaintiff against Overnite Transportation Company, James Garrett and the Illinois State Tollway Authority; 2) the counterclaim for contribution of Overnite Transportation Company and James Garrett and 3) the counterclaim for contribution by the Illinois State Toll Highway Authority enters finding of law and fact relating to the property damage counterclaim of the Illinois State Toll Highway Authority against James Garrett and Overnite Transportation Company as follows:

- A. The Illinois State Toll Highway Authority sustained pecuniary property damages as a result of the occurrence on 12/6/2005 in the amount of SEVENTY THOUSAND FIVE HUNDRED THIRTY EIGHT DOLLARS AND NINETY SEVEN CENTS;
- B. The Court apportions fault among the parties as follows:

James Garrett and Overnite Transportation Company 100 %;

The Illinois State Tollway Highway Authority 0 %

ENTERED
JUDGE DONALD J. SURIANO - 171 Total

100 %

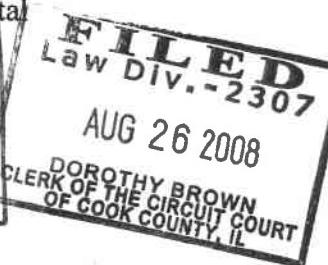
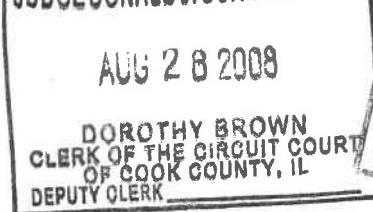
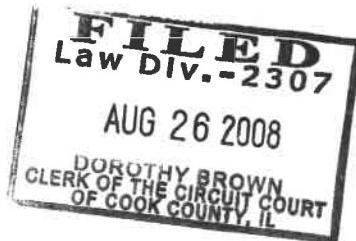


EXHIBIT 4

- C. The Court finds Overnite Transportation Company and James Garrett liable for causing damage to property of the Illinois State Toll Highway Authority in the amount of \$ 70,538.⁹⁷.



ORDER**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

Marissa Lingafelter as Special
Administrator of the Estate of LEWIS
LINGAFELTER, JR. deceased

OVERNITE TRANSPORTATION COMPANY,
JAMES GARRETT and ILLINOIS
STATE TOLL HIGHWAY AUTHORITY

No. 06 L 1810

ORDER

This matter coming on for jury trial, all parties have presented their evidence, the jury having been duly instructed, and having deliberated and having rendered their verdict in open court in favor of Marissa Lingafelter as Special Administrator and against Overnite Transportation Company and James Garrett ~~and also~~ in the amount of \$22,520,000.00 and also in favor of Illinois State Toll Highway Authority and against Marissa Lingafelter as Special Administrator of the Estate of Lewis Lingafelter, Jr., deceased. Overnite Transportation Company and James Garrett and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that Judgment be and hereby ~~is~~ entered on ~~the~~ Verdict Form A and Verdict form B as follows:

1) Judgment be and hereby is entered in favor of the ~~the~~ Marissa Lingafelter as Special Administrator of the Estate of Lewis Lingafelter, Jr. in the sum of \$22,520,000.00

Atty. No.: 40609

Name: RW Schumacher & John Patten Jr

Atty. for: Illinois State Toll Highway Authority

Address: 330 N. Wabash # 2900

City/State/Zip: Chicago, IL 60611

Telephone: 312-261-5160

ENTERED:

Dated:

Judge

ENTERED
JUDGEDONALD J. SURIANO-1717

AUG 26 2008

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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EXHIBIT 5

ORDER

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Marissa Lingafelter as Special
Administrator of the
Estate of Lingafelter,

v.

No. 06 L 1810

Overnite Transportation Company,
James Garrett and Illinois State Toll Highway Authority

ORDER

against Overnite Transportation Company and James Garrett
2) Judgment be and hereby is entered in favor of ILLINOIS
STATE TOLL HIGHWAY AUTHORITY AND AGAINST MARISSA LINGAFELTER
as Special Administrator of the Estate of Lewis Lingafelter, Jr.,
deceased on her claim against it;
3) Judgment be and hereby is entered in favor of ILLINOIS
STATE TOLL HIGHWAY AUTHORITY ON ITS COUNTER CLAIM AGAINST
OVERNITE TRANSPORTATION COMPANY and JAMES GARRETT
IN THE STIPULATED sum of \$10,538.97

4) Judgment be and hereby is entered ~~on all~~ in favor of
ILLINOIS STATE TOLL HIGHWAY AUTHORITY AND AGAINST OVERNITE
TRANSPORTATION COMPANY and JAMES GARRETT ON ALL COUNTERCLAIMS
FOR CONTRIBUTION.

Distribution order to follow.

Further the Court says &th naught.

Atty. No.: 46669 46669

Name: John Fatten Jr.

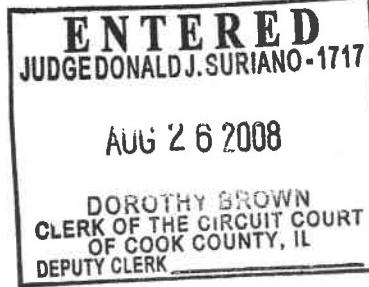
Atty. for: Tollway

Address: 330 N. Wabash # 2900

City/State/Zip: Chicago, IL 60611

Telephone: 312 - 261 - 5160

ENTERED:



Dated: Aug 26, 2008,
Donald J. Suriano
Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS